

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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SECURITIES INVESTOR	:	
PROTECTION CORPORATION,	:	SIPA LIQUIDATION
	:	(Substantively Consolidated)
	:	Adv. Pro. No. 08-01789 (BRL)
Plaintiff,	:	
	:	
v.	:	
	:	JOINT DESIGNATION OF ITEMS
	:	TO BE INCLUDED IN THE RECORD
BERNARD L. MADOFF INVESTMENT	:	AND STATEMENT OF THE ISSUE
SECURITIES LLC,	:	<u>TO BE PRESENTED ON APPEAL</u>
	:	
Defendant.	:	
	:	
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	:	
In re:	:	
	:	
BERNARD L. MADOFF,	:	
	:	
Debtor.	:	
	:	
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Pursuant to Federal Rule of Bankruptcy Procedure 8006, and in connection with
the Notices of Appeal filed by:

- Sterling Equities Associates, Arthur Friedman, David Katz, Gregory Katz, Michael Katz, Saul Katz, L. Thomas Osterman, Marvin Tepper, Fred Wilpon, Jeff Wilpon, Richard Wilpon, and Mets Limited Partnership (Docket # 2051);
- Diane and Roger Peskin, Maureen Ebel, and a large group of other customers (Docket # 2048);
- Lawrence Elins and Malibu Trading and Investing, L.P. (Docket # 2062);
- Mary Albanese, Myron Feuer, Allan Goldstein, Allen Robert Greene, Laurence Kaye, Robert Korn, Rose Less, Roger L. Schwarz, Miriam Williams, and Roger Williams (Docket # 2061);
- The Aspen Company, Ann Denver, Norton Eisenberg, Export Technicians Inc., Stephen R. Goldenberg, Judith Rock Goldman, Albert J. Goldstein

U/W FBO Ruth E. Goldstein, Jerry Guberman, Anita Karimian, Michael and Stacey Mathias, Martin Rappaport, Paul J. Robinson, Bernard Seldon, Harold A. Thau, and numerous other claimants (Docket # 2053);

- Herbert Barbanel, Alice Barbanel, and Lauri Ann Schwartz-Barbanel (Docket # 2063);
- Carl J. Shapiro and Associated Entities (Docket # 2056); and
- Marsha Peshkin and a Group of the Sonnenschein Investors (Docket # 2050)

(together, “Appellants”), Appellants hereby designate the items to be included in the record and state the issues to be presented on appeal to the United States Court of Appeals for the Second Circuit from the Order entered by the Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) in the above-referenced proceeding on March 8, 2010.

STATEMENT OF THE ISSUE TO BE PRESENTED ON APPEAL

Whether the Bankruptcy Court erred when it ruled that a customer’s “net equity” under Section 16(11) of the Securities Investor Protection Act (“SIPA”) may be determined by calculating the amount of cash deposited by the customer minus the amount withdrawn, rather than by calculating the dollar value of the securities positions in real securities shown on the customer’s last account statement prior to the filing date, where SIPA defines “net equity” as:

the dollar amount of the account or accounts of a customer, to be determined by –

(A) calculating the sum which would have been owed by the debtor to such customer if the debtor had liquidated, by sale or purchase on the filing date, all securities positions of such customer . . . ; minus

(B) any indebtedness of such customer to the debtor on the filing date (15 U.S.C. § 7811(11).)

DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

Net Equity Motions, Declarations, Orders, and Notices

Filing Date	#	Docket Text
10/16/2009	<u>519</u>	Memorandum of Law <i>of the Securities Investor Protection Corporation in Support of Trustee's Motion for an Order Upholding Trustee's Determination Denying "Customer" Claims for Amounts Listed on Last Statement, Affirming Trustee's Determination of Net Equity, and Expunging Those Objections with Respect to the Determinations Relating to Net Equity</i> filed by Josephine Wang on behalf of Securities Investor Protection Corporation. (Wang, Josephine) (Entered: 10/16/2009)
10/16/2009	<u>520</u>	Affidavit <i>Declaration of Hemant Sharma</i> (related document(s) <u>519</u>) filed by Josephine Wang on behalf of Securities Investor Protection Corporation. (Wang, Josephine) (Entered: 10/16/2009)
10/16/2009	<u>524</u>	Motion for Objection to Claim(s) <i>/Trustee's Motion For an Order Upholding Trustee's Determination Denying Customer Claims' For Amounts Listed on Last Statement, Affirming Trustee's Determination of Net Equity, and Expunging Those Objections With Respect to The Determinations Relating To Net Equity</i> filed by David J. Sheehan on behalf of Irving H. Picard. with hearing to be held on 2/2/2010 at 10:00 AM at Courtroom 623 (BRL) Responses due by 11/13/2009, (Attachments: # <u>1</u> Declaration of Joseph Looby in Support of Trustee's Motion# <u>2</u> Declaration of Bik Cheema in Support of Trustee's Motion# <u>3</u> Declaration of Seanna R. Brown in Support of Trustee's Motion# <u>4</u> Exhibit A to Brown Declaration# <u>5</u> Exhibit B to Brown Declaration# <u>6</u> Exhibit C to Brown Declaration) (Sheehan, David) (Entered: 10/16/2009)

Filing Date	#	Docket Text
10/16/2009	525	Memorandum of Law <i>in Support of Trustee's Motion For an Order Upholding Trustee's Determination Denying "Customer" Claims For Amounts Listed on Last Customer Statement, Affirming Trustee's Determination of Net Equity, and Expunging Those Objections With Respect To The Determinations Relating To Net Equity</i> (related document(s) 524) filed by David J. Sheehan on behalf of Irving H. Picard. (Sheehan, David) (Entered: 10/16/2009)
10/19/2009	530	Motion for Objection to Claim(s) <i>/Exhibit A to the Trustee's Motion for an Order Upholding Trustee's Determination Denying Customer Claims' For Amounts Listed on Last Statement, Affirming Trustee's Determination of Net Equity and Expunging Those Objections With Respect to The Determinations Relating to Net Equity</i> (related document(s) 524) filed by David J. Sheehan on behalf of Irving H. Picard. (Sheehan, David) (Entered: 10/19/2009)
11/12/2009	716	Memorandum of Law <i>of Sterling Equities Associates and Certain Affiliates Regarding Net Equity and Avoidance</i> filed by Karen E. Wagner on behalf of Sterling Equities Associates. (Wagner, Karen) (Entered: 11/12/2009)
11/12/2009	720	Declaration of <i>Arthur Friedman</i> filed by Karen E. Wagner on behalf of Sterling Equities Associates. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D) (Wagner, Karen) (Entered: 11/12/2009)
11/13/2009	755	Memorandum of Law <i>Customers' Memorandum of Law in Opposition to Trustee's Motion for an Order Approving the Trustee's Re-Definition of "Net Equity" Under the Securities Investor Protection Act</i> (related document(s) 524) filed by Helen Chaitman on behalf of Maureen Ebel, Diane Peskin, Roger Peskin. (Chaitman, Helen) (Entered: 11/13/2009)

Filing Date	#	Docket Text
11/13/2009	761	Declaration of <i>Helen Davis Chaitman in Opposition to Trustee's Motion for an Order Approving the Trustee's Re-Definition of "Net Equity" Under the Securities Investor Protection Act</i> (related document(s) 755) filed by Helen Chaitman on behalf of Maureen Ebel, Diane Peskin, Roger Peskin. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C Part 1# 4 Exhibit C Part 2# 5 Exhibit D# 6 Exhibit E# 7 Exhibit F# 8 Exhibit G# 9 Exhibit H# 10 Exhibit I# 11 Exhibit J# 12 Exhibit K# 13 Exhibit L# 14 Exhibit M# 15 Exhibit N# 16 Exhibit O# 17 Exhibit P# 18 Exhibit Q# 19 Exhibit R# 20 Exhibit S# 21 Exhibit T Part 1# 22 Exhibit T Part 2# 23 Exhibit U# 24 Exhibit V# 25 Exhibit W# 26 Exhibit X# 27 Exhibit Y# 28 Exhibit Z Part 1# 29 Exhibit Z Part 2# 30 Exhibit AA# 31 Exhibit BB# 32 Exhibit CC# 33 Exhibit DD# 34 Exhibit EE# 35 Exhibit FF# 36 Exhibit GG# 37 Exhibit HH# 38 Exhibit II# 39 Exhibit JJ# 40 Exhibit KK# 41 Exhibit LL# 42 Exhibit MM# 43 Exhibit NN) (Chaitman, Helen) (Entered: 11/13/2009)
11/13/2009	765	Memorandum of Law <i>in Opposition to Trustee's Net Equity Motion</i> (related document(s) 524) filed by Richard Schwed on behalf of Carl J. Shapiro and Associated Entities. (Schwed, Richard) (Entered: 11/13/2009)
11/13/2009	767	Declaration of <i>Liane Willis in Support of Memorandum of Carl J. Shapiro and Associated Entities in Opposition to Trustee's Net Equity Motion</i> filed by Richard Schwed on behalf of Carl J. Shapiro and Associated Entities. (Schwed, Richard) (Entered: 11/13/2009)
11/13/2009	771	Memorandum of Law / <i>Memorandum of Law Submitted by the SRZ Claimants in Opposition to the Trustee's Interpretation of "Net Equity"</i> (related document(s) 755) filed by Marcy R. Harris on behalf of SRZ Claimants. (Harris, Marcy) (Entered: 11/13/2009)

Filing Date	#	Docket Text
11/13/2009	784	<p>Opposition /Sonnenschein Investors' Opposition to the Trustee's Motion for an Order Upholding Trustee's Determination Denying "Customer" Claims for Amounts Listed on Last Statement, Affirming Trustee's Determination of Net Equity and Expunging Those Objections With Respect to the Determinations Relating to Net Equity filed by Carole Neville on behalf of Sonnenschein Investors. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Certificate of Service) (Neville, Carole) (Entered: 11/13/2009)</p>
11/13/2009	785	<p>Opposition Brief <i>MEMORANDUM OF LAW IN OPPOSITION TO TRUSTEES MOTION FOR AN ORDER UPHOLDING TRUSTEES DETERMINATION DENYING CUSTOMER CLAIMS FOR AMOUNTS LISTED ON LAST STATEMENT, AFFIRMING TRUSTEES DETERMINATION OF NET EQUITY, AND EXPUNGING THOSE OBJECTIONS WITH RESPECT TO THE DETERMINATIONS RELATING TO NET EQUITY</i> (related document(s) 524 , 530) filed by Jonathan M. Landers on behalf of Albert J. Goldstein U/W FBO Ruth E. Goldstein TTEE, Ann Denver, Norton Eisenberg, Export Technicians, Inc., Stephen R. Goldenberg, Judith Rock Goldman, Jerry Guberman, Anita Karimian, Orthopaedic Specialty Group PC, Martin Rappaport, Paul J Robinson, Bernard Seldon, Harold A. Thau, The Aspen Company. (Attachments: # 1 Exhibit 1# 2 Exhibit 2# 3 Exhibit 3# 4 Exhibit 4# 5 Exhibit 5# 6 Exhibit 6# 7 Exhibit 7# 8 Exhibit 8# 9 Exhibit 9# 10 Exhibit 10# 11 Exhibit 11# 12 Exhibit 12# 13 Exhibit 13# 14 Exhibit 14# 15 Exhibit 15# 16 Exhibit 16# 17 Exhibit 17# 18 Certificate of Service) (Landers, Jonathan) (Entered: 11/13/2009)</p>

Filing Date	#	Docket Text
11/13/2009	796	Memorandum of Law (<i>Goodwin Claimants' Memorandum of Law in Opposition to Trustee's Motion Re: Determination of Net Equity</i>), (related document(s) 524) filed by Daniel M. Glosband on behalf of Jeffrey A. Berman, Russell DeLucia, Ellenjoy Fields, Jane L. O'Connor as Trustee of the Jane O'Connor Living Trust, Michael C. Lesser, Norman E. Lesser Rev. 11/97 Rev. Trust, Paula E. Lesser 11/97 Rev. Trust. (Glosband, Daniel) (Entered: 11/13/2009)
11/13/2009	803	Memorandum of Law <i>in Opposition to Motion for an Order Upholding Trustee's Determination Denying Customer Claims For Amounts Listed on Last Statement Relating to Net Equity</i> (related document(s) 524) filed by Brian Neville on behalf of Rose Less. (Neville, Brian) (Entered: 11/13/2009)
11/13/2009	804	Declaration of Brian Maddox <i>in Support of Rose Less's Memorandum of Law In Opposition to Trustee's Motion for an Order Upholding Trustee's Determination Denying Customers Claims for Amounts Listed on Last Statement Regarding Net Equity</i> filed by Brian Neville on behalf of Rose Less. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Neville, Brian) (Entered: 11/13/2009)
12/11/2009	1051	Statement of Optimal Strategic U.S. Equity Limited and Optimal Arbitrage Limited <i>In Support Of Trustee's Motion Relating To "Net Equity" Issue</i> (related document(s) 524) filed by Richard B. Levin on behalf of Optimal Arbitrage Limited, Optimal Strategic U.S. Equity Limited. (Levin, Richard) (Entered: 12/11/2009)
12/11/2009	1052	Memorandum of Law <i>of the Securities and Exchange Commission Supporting Trustee's Determination that Net Equity Should Not be Based on Securities Positions Listed on Last Statements, and Supporting in Part Trustee's Determination that Net Equity Should be Based Upon Amounts Deposited Less Amounts Withdrawn</i> (related document(s) 524) filed by Patricia Schrage on behalf of Securities and Exchange Commission. (Schrage, Patricia) (Entered: 12/11/2009)

Filing Date	#	Docket Text
12/18/2009	1095	Reply to Motion <i>REPLY BRIEF IN OPPOSITION TO ARGUMENTS OF THE SEC AND THE OPTIMAL ENTITIES SUPPORTING TRUSTEE'S MOTION RELATING TO "NET EQUITY" ISSUE</i> filed by Jonathan M. Landers on behalf of Ann Denver, Norton Eisenberg, Export Technicians, Inc., Stephen R. Goldenberg, Judith Rock Goldman, Ruth E. Goldstein, Jerry Guberman, Anita Karimian, Orthopaedic Specialty Group PC, Martin Rappaport, Paul J Robinson, Bernard Seldon, Harold A. Thau, The Aspen Company. (Attachments: # 1 Certificate of Service) (Landers, Jonathan) (Entered: 12/18/2009)
12/21/2009	1096	Memorandum of Law on "Net Equity" in Reply to Memoranda of The Securities and Exchange Commission and Optimal Strategic U.S. Equity Limited and Optimal Arbitrage Limited filed by Helen Chaitman on behalf of Maureen Ebel, Diane Peskin, Roger Peskin. (Chaitman, Helen) (Entered: 12/21/2009)
12/21/2009	1098	Reply Memorandum of Law of Sterling Equities Associates and Certain Affiliates Regarding Net Equity and Avoidance filed by Karen E. Wagner on behalf of Sterling Equities Associates. (Attachments: # 1 Exhibit Certificate of Service) (Wagner, Karen) (Entered: 12/21/2009)
12/21/2009	1104	Memorandum of Law / Memorandum of Law Submitted by the SRZ Claimants in Response to the SEC's "Constant Dollar" Approach to "Net Equity" (related document(s) 1052) filed by Marcy R. Harris on behalf of SRZ Claimants. (Harris, Marcy) (Entered: 12/21/2009)
12/21/2009	1105	Reply to Motion in Opposition to Trustee's Motion for an Order Upholding Trustee's Determination Denying Customer Claims' Relating To Net Equity (related document(s) 524) filed by Brian Neville on behalf of Rose Less. (Neville, Brian) (Entered: 12/21/2009)

Filing Date	#	Docket Text
12/21/2009	1106	Declaration of Brian Maddox in Support of Lax & Neville, LLP's Reply Memorandum in Opposition to Trustee's Motion for an Order Upholding Trustee's Determination Denying Customer Claims' Relating To Net Equity (related document(s) 524) filed by Brian Neville on behalf of Rose Less. (Attachments: # 1 Exhibit A) (Neville, Brian) (Entered: 12/21/2009)
01/15/2010	1765	Reply to Motion Reply Memorandum of Law of the Securities Investor Protection Corporation In Support of Trustee's Motion for an Order Upholding Trustee's Determination Denying "Customer" Claims for Amounts Listed on Last Statement, Affirming Trustee's Determination Of Net Equity, and Expunging Those Objections with Respect to the Determinations Relating to Net Equity (related document(s) 524) filed by Josephine Wang on behalf of Securities Investor Protection Corporation. (Wang, Josephine) (Entered: 01/15/2010)
01/15/2010	1767	Letter to Judge Lifland on Supplemental Memorandum of Law (related document(s) 524) filed by Patricia Schrage on behalf of Securities and Exchange Commission. (Schrage, Patricia) (Entered: 01/15/2010)
01/15/2010	1768	Memorandum of Law Supplemental Memorandum of Law of the Securities and Exchange Commission Supporting Trustee's Determination That Net Equity Should Not Be Based on Securities Positions Listed on Last Statements, and Supporting in Part Trustee's Determination that Net Equity Should Be Based Upon Amounts Deposited Less Amounts Withdrawn (related document(s) 524) filed by Patricia Schrage on behalf of Securities and Exchange Commission. (Schrage, Patricia) (Entered: 01/15/2010)

Filing Date	#	Docket Text
01/15/2010	1773	Memorandum of Law / <i>Reply Brief In Support of Trustee's Motion For An Order Upholding Trustee's Determination Denying "Customer" Claims For Amounts Listed On Last Customer Statement, Affirming Trustee's Determination Of Net Equity, And Expunging Those Objections With Respect To The Determinations Relating To Net Equity</i> (related document(s) 12 , 524 , 437 , 525) filed by David J. Sheehan on behalf of Irving H. Picard. (Sheehan, David) (Entered: 01/15/2010)
01/15/2010	1774	<i>Declaration of Seanna R. Brown in Support of Trustee's Reply Brief in Support of The Trustee's Motion For an Order Upholding Trustee's Determination Denying "Customer" Claims For Amounts Listed On Last Customer Statement, Affirming Trustee's Determination of Net Equity, And Expunging Those Objections With Respect To The Determinations Relating To Net Equity</i> (related document(s) 1773) filed by Seanna Brown on behalf of Irving H. Picard. (Attachments: # 1 Exhibit A) (Brown, Seanna) (Entered: 01/15/2010)
02/18/2010	1968	Transcript regarding Hearing Held on February 2, 2010 RE: Trustee's Motion for an Order upholding Trustee's determination denying customer claims for amounts listed on last statement, affirming Trustee's determination of net equity, and expunging those objections with respect to the determinations relating to net equity. Remote electronic access to the transcript is restricted until 5/19/2010. The transcript may be viewed at the Bankruptcy Court Clerks Office. [Transcription Service Agency: Veritext, LLC.]. (See the Courts Website for contact information for the Transcription Service Agency.). Notice of Intent to Request Redaction Deadline Due By 2/25/2010. Statement of Redaction Request Due By 3/11/2010. Redacted Transcript Submission Due By 3/22/2010. Transcript access will be restricted through 5/19/2010. (Richards, Beverly) (Entered: 02/22/2010)

Filing Date	#	Docket Text
03/01/2010	1999	Written Opinion/Memorandum Decision signed on 3/1/2010 Granting Trustees Motion For An Order (1) Upholding Trustees Determination Denying Customer Claims For Amounts Listed On Last Customer Statement; (2) Affirming Trustees Determination Of Net Equity; And (3) Expunging Objections To Determinations Relating To Net Equity (related document(s) 437 , 524). (Saenz De Viteri, Monica) (Entered: 03/01/2010)
03/08/2010	2020	Order signed on 3/8/2010 (1) Upholding Trustees Determination Denying Customer Claims For Amounts Listed On Last Customer Statement; (2) Affirming Trustees Determination Of Net Equity; And (3) Expunging Those Objections With Respect To The Determinations Relating To Net Equity (Related Doc # 524 , 1999). (Saenz De Viteri, Monica) (Entered: 03/08/2010)
03/08/2010	2021	Letter <i>Request for Certification of Appeal</i> (related document(s) 1999 , 2020) filed by David J. Sheehan on behalf of Irving H. Picard. (Sheehan, David) (Entered: 03/08/2010)
03/08/2010	2022	Statement / <i>Courts Certification of Net Equity Order of March 8, 2010 for Immediate Appeal to The United States Court of Appeals Pursuant to 28 U.S.C. Section 158(d)(2)</i> (related document(s) 1999 , 2021 , 524 , 2020) filed by Clerk's Office of the U.S. Bankruptcy Court. (Saenz De Viteri, Monica) (Entered: 03/08/2010)
03/19/2010	2048	Notice of Appeal <i>and Protective Motion for Leave to Appeal</i> (related document(s) 2020) filed by Helen Chaitman on behalf of Maureen Ebel, Diane Peskin, Roger Peskin. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Chaitman, Helen) (Entered: 03/19/2010)
03/19/2010	2050	Notice of Appeal <i>and Protective Motion for Leave to Appeal</i> (related document(s) 2020 , 2022) filed by Carole Neville on behalf of Sonnenschein Investors. (Neville, Carole) (Entered: 03/19/2010)

Filing Date	#	Docket Text
03/19/2010	2051	Notice of Appeal filed by Karen E. Wagner on behalf of Sterling Equities Associates. (Wagner, Karen) (Entered: 03/19/2010)
03/19/2010	2053	Notice of Appeal <i>and Protective</i> , Motion for Leave to Appeal filed by Jonathan M. Landers on behalf of Albert J. Goldstein U/W FBO Ruth E. Goldstein TTEE, Ann Denver, Norton Eisenberg, Export Technicians, Inc., Stephen R. Goldenberg, Judith Rock Goldman, Jerry Guberman, Anita Karimian, Michael Mathias, Stacey Mathias, Martin Rappaport, Paul J Robinson, Bernard Seldon, Harold A. Thau, The Aspen Company. (Attachments: # 1 Exhibit 1 - Net Equity Order# 2 Exhibit 2 - Net Equity Opinion# 3 Exhibit 3 - Certification of Net Equity Order)(Landers, Jonathan) (Entered: 03/19/2010)
03/19/2010	2056	Notice of Appeal <i>And Protective Motion For Leave To Appeal</i> (related document(s) 1999 , 2020 , 2022) filed by Stephen Fishbein on behalf of Carl J. Shapiro and Associated Entities. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C)(Fishbein, Stephen) (Entered: 03/19/2010)
03/19/2010	2061	Notice of Appeal filed by Brian Maddox on behalf of Mary Albanese. (Maddox, Brian) (Entered: 03/19/2010)
03/22/2010	2062	Notice of Appeal (related document(s) 1999 , 2020) filed by Matthew J. Gold on behalf of Lawrence Elins, Malibu Trading and Investing, L.P.. (Gold, Matthew) (Entered: 03/22/2010)
03/22/2010	2063	Notice of Appeal <i>And Protective Motion for Leave to Appeal</i> (related document(s) 2020 , 2022) filed by Chryssa Vilma Beth Valletta on behalf of Lauri Ann Schwartz-Barbanel, Alice Barbanel, Herbert Barbanel. (Valletta, Chryssa) (Entered: 03/22/2010)

Objections¹

Filing Date	#	Docket Text
06/12/2009	<u>259</u>	Objection Objection to Trustee's Determination of Claim filed by Jonathan M. Landers on behalf of Martin Rappaport. (Attachments: # <u>1</u> Exhibit Exhibit A - Determination Letter# <u>2</u> Exhibit Exhibit B - Rappaport SIPC Claim# <u>3</u> Exhibit Exhibit C - New Times Transcript# <u>4</u> Exhibit Certificate of Service) (Landers, Jonathan) (Entered: 06/12/2009)
06/21/2009	<u>283</u>	Objection to Trustee's Determination of Claim filed by Helen Chaitman on behalf of Stephen M. Schwebel, Helen Davis Chaitman. (Chaitman, Helen) (Entered: 06/21/2009)
06/30/2009	<u>295</u>	Objection to Trustee's Determination of Claim filed by Helen Chaitman on behalf of Donald A. Benjamin. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C) (Chaitman, Helen) (Entered: 06/30/2009)
07/22/2009	<u>336</u>	Response of Burton and Elaine Traub ITF Paul, Gary and Kenneth Traub to Trustee's Determination of Claim filed by Paul Traub on behalf of Burton and Elain Traub ITF Paul, Gary and Kenneth Traub. (Attachments: # <u>1</u> Affidavit of Service) (Traub, Paul) (Entered: 07/22/2009)
07/28/2009	<u>345</u>	Objection to trustee's determination of claim filed by Richard Most. (Chou, Rosalyn) (Entered: 07/28/2009)
07/29/2009	<u>346</u>	Objection /Objection to Trustee's Determination of Claim filed by Marcy R. Harris on behalf of Denise Saul. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B) (Harris, Marcy) (Entered: 07/29/2009)

¹ The Objections to the Trustee's Determination of Claims designated below are only those listed by the Trustee in his Motion for Order Upholding Trustee's Determination Denying Customer Claims' for Amounts Listed on Last Statement, Affirming Trustee's Determination of Net Equity, and Expunging Those Objections with Respect to the Determinations Relating to Net Equity (Docket # 524). Since the date of the Motion, numerous substantially similar objections to the Trustee's determinations based upon the "net equity" issue addressed by this appeal have been filed.

Filing Date	#	Docket Text
08/03/2009	356	Opposition to trustee's determination of claim filed by Janet Ellen Kaufmann, Lawrence Kaufmann. (Chou, Rosalyn) (Entered: 08/04/2009)
08/13/2009	364	Objection to Trustee's Determination of Claim filed by Helen Chaitman on behalf of Elaine Glodstein. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C) (Chaitman, Helen) (Entered: 08/13/2009)
08/18/2009	371	Objection (AMENDED) OBJECTION TO TRUSTEES DETERMINATION OF CLAIM filed by Stephen A. Weiss on behalf of Paul J Robinson. (Attachments: # 1 Exhibit A. Determination# 2 Exhibit B. Robinson Customer Claim Form# 3 Exhibit C, New Times Transcript) (Weiss, Stephen) (Entered: 08/18/2009)
08/19/2009	372	Objection to the notice of trustee's determination of claim filed by Maurice Levinsky. (Chou, Rosalyn) (Entered: 08/19/2009)
08/18/2009	373	Objection to trustee's determination of claim filed by Marlene M. Knopf. (Attachments: # 1 continued pages of exhibits# 2 continued pages# 3 continued pages of exhibits) (Chou, Rosalyn) (Entered: 08/19/2009)
08/20/2009	374	Objection to Trustee's Determination of Claim filed by Brian Maddox on behalf of Laurence Kaye. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Maddox, Brian) (Entered: 08/20/2009)
08/20/2009	375	Objection to Trustee's Determination of Claim filed by Brian Maddox on behalf of Allen Robert Greene. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Maddox, Brian) (Entered: 08/20/2009)
08/21/2009	376	Objection to trustee's determination of claim filed by Jonathan D. Fink. (Chou, Rosalyn) (Entered: 08/21/2009)

Filing Date	#	Docket Text
08/26/2009	382	Objection to <i>Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of Jerry Guberman. (Attachments: # 1 Exhibit A - Determination Letter# 2 Exhibit B - Guberman SIPC Claim# 3 Exhibit C - New Time Transcript# 4 Exhibit Certificate of Service) (Landers, Jonathan) (Entered: 08/26/2009)
08/27/2009	384	Objection of James H. Cohen Special Trust to the Trustee's Determination filed by Timothy P. Kebbe on behalf of James H. Cohen Special Trust (Related Document No. 385 , 386 , 388 , 389 , 390 , 391 , 392 , 393 , 394). (Kebbe, Timothy) Docket Text Modified on 9/1/2009 (Bush, Brent) (Entered: 08/27/2009)
08/28/2009	396	Objection to <i>Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of Judith Rock Goldman. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Certificate of Service) (Landers, Jonathan) (Entered: 08/28/2009)
08/28/2009	397	Objection to <i>Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of Anita Karimian. (Attachments: # 1 Exhibit A (Determination Letter)# 2 Exhibit B (Customer Claim Form)# 3 Exhibit C (New Times transcript)# 4 Certificate of Service) (Landers, Jonathan) (Entered: 08/28/2009)
08/28/2009	398	Objection to <i>Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of Albert J. Goldstein U/W FBO Ruth E. Goldstein TTEE. (Attachments: # 1 Exhibit A (Determination Letter)# 2 Exhibit B (Customer Claim)# 3 Exhibit C (New Times Transcript)# 4 Certificate of Service) (Landers, Jonathan) (Entered: 08/28/2009)
09/01/2009	399	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Donald A. Benjamin. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Appendix Certificate of Service) (Chaitman, Helen) (Entered: 09/01/2009)

Filing Date	#	Docket Text
09/01/2009	400	Objection <i>Amended Objection to Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Donald A. Benjamin. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Appendix Certificate of Service) (Chaitman, Helen) (Entered: 09/01/2009)
09/02/2009	404	Objection <i>to Trustee's Determination of Claim</i> filed by Brian Maddox on behalf of Allan Goldstein. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Maddox, Brian) (Entered: 09/02/2009)
09/03/2009	409	Objection <i>to Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of Ann Denver. (Attachments: # 1 Exhibit A (Determination Letter)# 2 Exhibit B (Customer Claim Form)# 3 Exhibit C (New Times Transcript)# 4 Certificate of Service) (Landers, Jonathan) (Entered: 09/03/2009)
09/01/2009	410	Response <i>to trustee's determination of claim</i> filed by Solomon Turiel. (Chou, Rosalyn) (Entered: 09/03/2009)
09/10/2009	415	Objection <i>to Trustee's Determination of Claim</i> filed by Brian Maddox on behalf of Roger Williams, Miriam Williams. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Maddox, Brian) (Entered: 09/10/2009)
09/14/2009	424	Objection <i>to Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Barbara J. Vogel, Robert J. Vogel. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/14/2009)
09/14/2009	426	Objection <i>to Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of David Wingate. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/14/2009)
09/14/2009	426	Objection <i>to Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of David Wingate. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/14/2009)

Filing Date	#	Docket Text
09/14/2009	427	Certificate of Service filed by Helen Chaitman on behalf of Barbara J. Vogel, Robert J. Vogel. (Chaitman, Helen) (Entered: 09/14/2009)
09/14/2009	428	Certificate of Service filed by Helen Chaitman on behalf of David Wingate. (Chaitman, Helen) (Entered: 09/14/2009)
09/14/2009	429	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Theresa Rose Ryan. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/14/2009)
09/14/2009	430	Certificate of Service filed by Helen Chaitman on behalf of Theresa Rose Ryan. (Chaitman, Helen) (Entered: 09/14/2009)
09/15/2009	432	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Howard Israel. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/15/2009)
09/15/2009	433	Certificate of Service filed by Helen Chaitman on behalf of Howard Israel. (Chaitman, Helen) (Entered: 09/15/2009)
09/16/2009	435	Objection to Trustee's Determination of Claim filed by Jonathan M. Landers on behalf of Norton Eisenberg. (Attachments: # 1 Exhibit A (Determination Letter)# 2 Exhibit B (Customer Claim)# 3 Exhibit C (New Times Transcript)# 4 Exhibit (Certificate of Service)) (Landers, Jonathan) (Entered: 09/16/2009)
09/16/2009	436	Objection TO TRUSTEES DETERMINATION OF CLAIM filed by Stephen A. Weiss on behalf of Export Technicians, Inc.. (Attachments: # 1 Exhibit A. Determination# 2 Exhibit B. Customer Claim# 3 Index C. New Times Transcript) (Weiss, Stephen) (Entered: 09/16/2009)

Filing Date	#	Docket Text
09/17/2009	439	Objection to <i>Trustee's Determination of Claim</i> filed by Carole Neville on behalf of Marsha Peshkin IRA. (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E# 6 Exhibit F) (Neville, Carole) (Entered: 09/17/2009)
09/21/2009	441	Objection to <i>Trustee's Determination of Claim</i> filed by Brian Maddox on behalf of Myron Feuer. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Maddox, Brian) (Entered: 09/21/2009)
09/16/2009	445	Opposition to <i>trustee's determination of claim</i> filed by Richard L. Cohen. (Chou, Rosalyn) (Entered: 09/22/2009)
09/23/2009	446	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Joel Busel. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/23/2009)
09/23/2009	447	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Sandra Busel. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/23/2009)
09/23/2009	448	Certificate of Service filed by Helen Chaitman on behalf of Joel Busel. (Chaitman, Helen) (Entered: 09/23/2009)
09/23/2009	449	Certificate of Service filed by Helen Chaitman on behalf of Sandra Busel. (Chaitman, Helen) (Entered: 09/23/2009)
09/24/2009	450	Objection to <i>Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of Harold A. Thau. (Attachments: # 1 Exhibit A - Determination Letter# 2 Exhibit B - Customer Claim# 3 Exhibit C - New Times Transcript# 4 Exhibit - Certificate of Service) (Landers, Jonathan) (Entered: 09/24/2009)

Filing Date	#	Docket Text
09/24/2009	452	Objection to <i>Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of The Aspen Company. (Attachments: # 1 Exhibit A - Determination Letter# 2 Exhibit B - Customer Claim# 3 Exhibit C - New Times Transcript# 4 Exhibit - Certificate of Service) (Landers, Jonathan) (Entered: 09/24/2009)
09/24/2009	453	Objection TO TRUSTEES DETERMINATION OF CLAIM filed by Stephen A. Weiss on behalf of Bernard Seldon. (Attachments: # 1 Exhibit A. Determination Letter# 2 Exhibit B. Customer Claim# 3 Exhibit C. New Times Transcript) (Weiss, Stephen) (Entered: 09/24/2009)
09/23/2009	454	Objection to trustee's determination of claim Re: Claim Numbers: 3222, 100253 and 100355 filed by Just Empire, LLC. (Chou, Rosalyn) (Entered: 09/24/2009)
09/23/2009	455	Objection to trustee's determination of claim Re: Claim Numbers 003240,100254,100356 and 100416 filed by Josef Mittlemann. (Chou, Rosalyn) (Entered: 09/24/2009)
09/22/2009	456	Objection to trustee's determination of claim Re: amicus curiae filed by Lawrence R. Velvel. (Chou, Rosalyn) (Entered: 09/24/2009)
09/19/2009	457	Response filed by John Ksiez. (Chou, Rosalyn) (Entered: 09/24/2009)
09/24/2009	458	Response to trustee's determination of claim filed by Doreen G. Appel, Brian S. Appel. (Chou, Rosalyn) (Entered: 09/24/2009)
09/24/2009	459	Objection to Denial of Claims 690,908and 100072 by Trustee dated August 28, 2009 filed by Donald G. Rynne. (Chou, Rosalyn) (Entered: 09/24/2009)

Filing Date	#	Docket Text
09/24/2009	460	Objection to <i>Trustee's Determination of Claim</i> filed by Jonathan M. Landers on behalf of Stephen R. Goldenberg. (Attachments: # 1 Exhibit A - Determination Letter# 2 Exhibit B - Customer Claim# 3 Exhibit C - New Times Transcript# 4 Exhibit - Certificate of Service) (Landers, Jonathan) (Entered: 09/24/2009)
09/25/2009	461	Objection to <i>Trustee's Determination of Claim</i> filed by Carole Neville on behalf of Meryl Mann, Michael Mann. (Neville, Carole) (Entered: 09/25/2009)
09/25/2009	462	Objection to <i>Trustee's Determination of Claim</i> filed by Carole Neville on behalf of Barry Weisfeld. (Neville, Carole) (Entered: 09/25/2009)
09/25/2009	464	Objection to <i>Trustee's Determination of Claim</i> filed by Brian Maddox on behalf of Robert L. Schwartz. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Maddox, Brian) (Entered: 09/25/2009)
09/25/2009	465	Objection to <i>Trustee's Determination of Claim</i> filed by Brian Maddox on behalf of Robert Korn. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Maddox, Brian) (Entered: 09/25/2009)
09/25/2009	467	Objection to <i>Trustee's Determination of Claim</i> filed by David L. Barrack on behalf of Stuart Perlen. (Barrack, David) (Entered: 09/25/2009)
09/25/2009	468	Objection to <i>Trustee's Determination of Claim</i> filed by David L. Barrack on behalf of Stuart Perlen. (Barrack, David) (Entered: 09/25/2009)
09/25/2009	469	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Armand Lindenbaum. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/25/2009)
09/26/2009	470	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Martin Lifton. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/26/2009)

Filing Date	#	Docket Text
09/27/2009	471	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Robert F. Ferber. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/27/2009)
09/28/2009	473	Certificate of Service filed by Helen Chaitman on behalf of Armand Lindenbaum. (Chaitman, Helen) (Entered: 09/28/2009)
09/28/2009	474	Certificate of Service filed by Helen Chaitman on behalf of Martin Lifton. (Chaitman, Helen) (Entered: 09/28/2009)
09/28/2009	475	Certificate of Service filed by Helen Chaitman on behalf of Robert F. Ferber. (Chaitman, Helen) (Entered: 09/28/2009)
09/28/2009	476	Motion for Objection to Claim(s) Number: 011111 <i>Objection to Trustees Determination</i> filed by Max Folkenflik on behalf of Gutmacher Enterprises, L.P..(Folkenflik, Max) (Entered: 09/28/2009)
09/29/2009	478	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Norman Feinberg, Sondra Feinberg. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/29/2009)
09/29/2009	479	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Mike Stein. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/29/2009)
09/29/2009	480	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Linda Waldman. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 09/29/2009)
09/29/2009	481	Certificate of Service filed by Helen Chaitman on behalf of Norman Feinberg, Sondra Feinberg. (Chaitman, Helen) (Entered: 09/29/2009)
09/29/2009	482	Certificate of Service filed by Helen Chaitman on behalf of Mike Stein. (Chaitman, Helen) (Entered: 09/29/2009)

Filing Date	#	Docket Text
09/25/2009	<u>488</u>	Objection to trustee's determination of claim filed by David I. Lustig. (Chou, Rosalyn) (Entered: 09/30/2009)
09/24/2009	<u>489</u>	Objection to trustee's determination of claim filed by Mets Limited Partnership. (Chou, Rosalyn) (Entered: 09/30/2009)
09/28/2009	<u>490</u>	Opposition to trustee's determination of claim, Claim Number 001449 filed by Gertrude I. Gordon. (Chou, Rosalyn) (Entered: 09/30/2009)
09/30/2009	<u>491</u>	Objection to trustee's determination of claim filed by Pompart LLC. (Chou, Rosalyn) (Entered: 10/01/2009)
09/30/2009	<u>492</u>	Objection to trustee's determination of claim filed by A & G Goldman Partnership. (Chou, Rosalyn) (Entered: 10/01/2009)
10/01/2009	<u>493</u>	Certificate of Service filed by Helen Chaitman on behalf of Linda Waldman. (Chaitman, Helen) (Entered: 10/01/2009)
10/05/2009	<u>495</u>	Objection To Trustee's Determination of Claim filed by Helen Chaitman on behalf of Nancy Feldman. (Chaitman, Helen) (Entered: 10/05/2009)
10/05/2009	<u>496</u>	Certificate of Service filed by Helen Chaitman on behalf of Nancy Feldman. (Chaitman, Helen) (Entered: 10/05/2009)
10/12/2009	<u>505</u>	Objection of David Alan Schustack to Trustee's Determination of Claim filed by Sanford Philip Rosen on behalf of David A. Schustack. (Attachments: # <u>1</u> Exhibit C) (Rosen, Sanford) (Entered: 10/12/2009)
10/08/2009	<u>506</u>	Objection to trustee's determination of claim filed by Daniel Kalman, Judith Kalman. (Chou, Rosalyn) (Entered: 10/13/2009)
10/13/2009	<u>508</u>	Objection to Trustee's Determination of Claim filed by Helen Chaitman on behalf of David N. Glodstein, Susan L. Glodstein. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B) (Chaitman, Helen) (Entered: 10/13/2009)

Filing Date	#	Docket Text
10/13/2009	509	Certificate of Service <i>Certificate of Service</i> filed by Helen Chaitman on behalf of David N. Glodstein, Susan L. Glodstein. (Chaitman, Helen) (Entered: 10/13/2009)
10/13/2009	510	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Cynthia B. Avergon, Brad E. Avergon. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 10/13/2009)
10/13/2009	511	Certificate of Service filed by Helen Chaitman on behalf of Brad E. Avergon, Cynthia B. Avergon. (Chaitman, Helen) (Entered: 10/13/2009)
10/14/2009	513	Objection to <i>Trustee's Determination of Claim</i> filed by Helen Chaitman on behalf of Ronnie Sue Ambrosino. (Attachments: # 1 Exhibit A# 2 Exhibit B) (Chaitman, Helen) (Entered: 10/14/2009)
10/14/2009	514	Certificate of Service filed by Helen Chaitman on behalf of Ronnie Sue Ambrosino. (Chaitman, Helen) (Entered: 10/14/2009)
10/14/2009	515	Objection of <i>Robert Jason Schustack to Trustee's Determination of Claim</i> filed by Nancy Lynne Kourland on behalf of Robert Jason Schustack. (Attachments: # 1 Exhibit C) (Kourland, Nancy) (Entered: 10/14/2009)
11/13/2009	779	Objection to Motion <i>Objection of Lawrence Elins and Malibu Trading and Investing, L.P. to Trustees Motion for an Order Regarding Definition of Net Equity under the Securities Investor Protection Act</i> (related document(s) 524) filed by Matthew J. Gold on behalf of Lawrence Elins, Malibu Trading and Investing, L.P.. with hearing to be held on 2/2/2010 at 10:00 AM at Courtroom 623 (BRL) (Attachments: # 1 Pleading Certificate of Service) (Gold, Matthew) (Entered: 11/13/2009)
09/24/2009	2111	Objection <i>To Trustee Determination Of Claim Re: Claim No. 009906</i> filed by David Cohen. (Ebanks, Liza) (Entered: 03/30/2010)

Dated: New York, New York
April 1, 2010

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